

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION No. 329 of 2007 (S/B)

Dharam Singh Rawat s/o Shri Ramdutt Rawat
R/o Kashirampur Malla Near Shiv Shakti Dairy,
Nazibabad Road, Kotdwar,
District Pauri Garhwal (Uttarakhand) Petitioner

Versus

1. The Secretary, Ministry of
2. Power,
Government of Uttarakhand, Dehradun.
2. The Chairman & Managing Director,
Uttarakhand Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Dehradun.
3. The Chairman & Managing Director,
Power Transmission Corporation of Uttarakhand Ltd.
7B, Basant Vihar Enclave, Lane No. 1, Dehradun,
4. The Executive Engineer,
Electricity Transmission Division,
(220 KV Sub-Station, P.O. Virbhadra
249202), Rishikesh (Dehradun).
5. Sri Kamal Kant, Deputy General Manager,
Electricity Transmission Circle, 26 Civil Lines,
Roorki, District Haridwar.
6. The Accounts Officer, Regional Accounts Office
(Electricity), Uttaranchal Power Corporation Ltd.
Dehradun. Respondents

Sri Pradeep Lohani, Advocate for the petitioner.
Sri J.P. Joshi, Chief Standing Counsel for respondent no.1.
Sri B.D. Upadhyaya, Advocate for respondents 2 to 6.

**Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C. S. Rawat, J.**

RAJEEV GUPTA, C. J. (Oral)

Sri Pradeep Lohani, Advocate for the petitioner.
Sri J.P. Joshi, Chief Standing Counsel for respondent no.1.
Sri B.D. Upadhyaya, Advocate for respondents 2 to 6.

2. The learned counsel for the respondents have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Sri Pradeep Lohani, the learned counsel for the petitioner, could not demonstrate as to how the alternative remedy of filing a claim petition before the public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decision of this Court the case of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others reported in 2006 (2) U.D. 439 and Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P. No. 257 (S/B) 2005)**, we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is dismissed with the liberty to the petitioner to seek the remedy filing a claim petition before the Public Services Tribunal for the redressal of the petitioner's grievance projected in writ petition.

(J.C.S. Rawat, J.)
28.12.2007

(Rajeev Gupta, C. J.)
28.12.2007